IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Nand Lal Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.1070/2006

DATE OF ORDER :: November 24, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr. M.K. Garg)
Mr. Niranjan Singh) for the petitioner.
Mr. Ashok Upadhyaya, P.P.
Mr. Rajendra Charan, for the non-petitioner No.2

BY THE COURT:

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 29.6.2006 passed by the Additional Sessions Judge No.2, Sriganganagar (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 13.2.2006 passed by the Chief Judicial Magistrate, Sriganganagar (for short 'the trial court' hereinafter), was allowed and while setting aside the order dated 13.2.2006, the matter was remanded to the trial court to get the matter further investigated by the police. If the police does not investigate the matter, then the trial court may hold the enquiry and pass an appropriate order on cognizance.

Learned counsel for the non-petitioner No.2 submits that in compliance of the order of the revisional court, the matter was sent to the SHO, Police Station, Kotwali, Sriganganagar for investigation and after investigation, the report was filed before the trial court. However, the trial court not being satisfied with the police report, sent the matter again to the police for further investigation. This shows that in compliance of the order, the matter has gone for further investigation. However, keeping in view the settled proposition of law that the domain of investigation is of the police and the order taking cognizance is within the exclusive jurisdiction of the Court, therefore, it is the police to investigate the matter and file the report.

In the circumstances therefore, it would be appropriate to direct the concerned investigating officer to investigate the matter and file the report before the trial court without any further delay or without being influenced by any direction made by the revisional court or that of the trial court.

With these observations, the instant criminal misc. petition is disposed of.

[H.R.PANWAR],J.

rm/-